

REMARKS

Applicant gratefully acknowledges acceptance of the allowed claims 3, 14, and 20 – 23. Applicant also gratefully acknowledges acceptance of the drawings filed on July 2, 2001. Applicant expects to submit formal drawings by the end of July 2004.

35 USC § 102 Claim Rejections

Claims 1, 4, 5, 8, 9, and 12 were rejected under the provisions of 35 U.S.C. § 102(a) as allegedly being anticipated by *Interlaminar Reinforced Composites Development for Improved Damage Tolerance* by Wanthal et al. (hereinafter "Wanthal"). Applicant again respectfully submits that Wanthal is not prior art under § 102(a) and requests withdrawal of the rejections based upon Wanthal.

Applicant resubmits a copy of a declaration from one of the co-authors of Wanthal, Mr. Stephen D. Owens (hereinafter the "Owens Declaration"), at Tab A. In an office action in a related case, U.S. Patent Application Serial No. 09/938,065, Examiner Piazza Corcoran has agreed that Wanthal is not a "printed publication" (see last paragraph of page 17 of the attached office action at Tab B), but has opined that Wanthal is still "known by others", making it prior art under 102(a).

An issue raised by Examiner Piazza Corcoran was that the declaration was insufficient to show that the oral presentation where Wanthal was presented was not accessible to the public. Applicant submits a printout from the SAMPE website describing the actual 2000 conference in which the presentation was made. The presentation was made in Long Beach, CA on May 22, 2000 in room 103C at a closed session at 2:00 p.m. (see page 3 of 45 of the website printouts located at Tab C). This website printout provides specific details related to the actual session in which the presentation was made. As indicated in the Owens Declaration, closed sessions are meetings attended by representatives from the U.S. government and various military contractors. In addition to the information provided with the Owens Declaration, Applicant also submits the requirements for attending the 1999 SAMPE Conference at Tab D and the 2004 SAMPE Conference at Tab E. Because the requirements are exactly the same for admittance to the

closed sessions for each of these years, Applicant respectfully submits that the requirements were the same for the 2000 Conference as well.

Under the provisions of § 102(a), the statute requires that the invention be "known by others" "before the invention." Applicant respectfully submits that Wanthal was not "known by others" and was not "before the invention." We verify that Wanthal was derived from information provided by the inventor in the present invention to one of the authors of Wanthal, Mr. Owens. Thus, Wanthal was developed after the date of invention of the present invention. In the related case (09/938,065), we plan to respond in the same manner as in the present response. Should the Examiner need a supplemental declaration from Mr. Owens, one of the co-authors of Wanthal, please let us know and we will be glad to oblige. Because Wanthal is not a printed publication nor is it "known by others" "before the invention," Applicant respectfully submits that Wanthal is not prior art under § 102(a). Thus, Wanthal should be removed as a prior art reference.

Claims 1, 4-6, 8, 9, 11, 12, 15, and 16 were rejected under the provisions of 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,374,570 issued to McKague, Jr. (hereinafter "McKague"). Applicant respectfully submits that McKague is commonly owned by a common assignee, Lockheed Martin Corporation, at the time of the second invention, as indicated by the examiner. McKague is not "by another" and therefore not prior art under § 102(e). Applicant has submitted the attached § 132 declaration at Tab F to verify that both McKague and the present application were commonly owned by Lockheed Martin Corporation at the time of the second invention. Because McKague is not prior art under § 102(e), Applicant respectfully submits that McKague should be removed as a prior art reference.

Claims 2 and 13 were rejected under the provisions of 35 U.S.C. § 103(a) as allegedly being unpatentable over Wanthal in view of U.S. Patent No. 4,900,048 issued to Derujinsky (hereinafter "Derujinsky"). Claims 6, 7, 10, 11, 15, and 16 were rejected under the provisions of 35 U.S.C. § 103(a) as allegedly being unpatentable over Wanthal in view of *3-D Composite in Primary Aircraft Structure Joints* by Bersuch et al. (hereinafter "Bersuch"). Claims 17 – 19 were rejected under the provisions of 35 U.S.C. § 103(a) as allegedly being unpatentable over Wanthal in view of *Robust Composite Sandwich Structures* by Sheahen et al. (hereinafter "Sheahen") and

Derujinsky. As previously indicated, because Wanthal is not a printed publication and was not "known by others" "before the invention," Applicant respectfully submits that Wanthal is not prior art under § 103(a). Because Wanthal is not prior art, then neither is the combination of Wanthal and any of the other cited references.

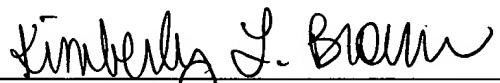
Claims 2 and 13 were rejected under the provisions of 35 U.S.C. § 103(a) as allegedly being unpatentable over McKague as applied to claims 1 and 12, as described herein, and further in view of Derujinsky. Claims 7 and 10 were under the provisions of 35 U.S.C. § 103(a) as allegedly being unpatentable over McKague as applied to claim 1 in view of Bersuch. As indicated previously, McKague is not prior art under 103(a). Because McKague is not prior art, then neither is the combination of McKague and any of the other cited references. Applicant respectfully requests withdrawal of this rejection, as well.

It is believed that the clarifying explanations and information about the cited references and associated declarations place the patent application in position for a notice of allowance. Reconsideration of the claims is respectfully requested.

The Commissioner is hereby authorized to charge all fees and any additional fees that may be required, or credit any overpayment, to Bracewell & Patterson, L.L.P. Deposit Account No. 50-0259 (Order No. 0408RF.045509).

Respectfully submitted,

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